

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

CHARLES W. JONES,

Petitioner,

v.

Case No.: 5:24-cv-00505

WARDEN, FCI BECKLEY,

Respondent.

MEMORANDUM OPINION AND ORDER

In July 2024, Petitioner filed a Writ of Habeas Corpus Under 28 U.S.C. § 2241 and the requisite filing fee in the United States District Court for the Northern District of West Virginia. (ECF Nos. 1, 2). Petitioner alleges that “[t]he Warden and BOP have failed to timely apply sentence credits pursuant to [the First Step Act] of 2018.” (ECF No. 1 at 5). He contends that he earned enough credits to be immediately released. (*Id.*).

At the time that he filed the petition, Petitioner was incarcerated in Federal Correctional Institution Beckley (“FCI Beckley”) in Beaver, West Virginia. (ECF No. 1-1). Thus, the case was transferred to this Court because jurisdiction is properly within the United States District Court for the Southern District of West Virginia. (ECF No. 6). The matter was assigned to the undersigned United States Magistrate Judge for total pretrial management and submission of proposed findings of fact and recommendations for disposition. (ECF No. 8).

However, before the case was transferred, Petitioner filed a *Motion to Amend and Consolidate Related Cases and for Other Relief*, which remains pending. (ECF No. 5). In

the motion, Petitioner states that the Northern District assigned two case numbers relating to the instant petition. (*Id.* at 1). He asks to consolidate those actions because they pertain to the same factual situation and seek the same relief. (*Id.* at 2). The undersigned **DENIES** the motion as moot insofar as Petitioner requests to consolidate actions because the case has been transferred to this district and assigned a new case number. Petitioner additionally asks for leave to file exhibits in support of his petition. (ECF Nos. 5, 5-1). The Court **GRANTS** Petitioner leave to file the exhibits and **ORDERS** that the exhibits, (ECF No. 5-1), shall be considered filed and reviewed with the petition.

As a final matter, Petitioner seeks an expedited briefing schedule. (ECF No. 5 at 2). At this time, there are multiple pending habeas petitions that were filed prior to Petitioner's petition. Furthermore, Petitioner is not the only inmate requesting application of First Step Act credits, which he contends will result in his immediate release. In fact, many inmates are seeking the same relief. Petitioner does not establish good cause for considering his petition out of order. Therefore, the motion is **DENIED** regarding an expedited briefing schedule.

Respondent is hereby **ORDERED** to answer or otherwise respond to the petition within **sixty (60) days** of the entry of this Order showing cause, if Respondent has any, why the relief sought by Petitioner should not be granted. The answer should, insofar as possible, respond to the issues raised and **shall include** any available records that would facilitate determination of the issues. Petitioner may, if he wishes, file a reply to the answer or response of the Respondent within **sixty (60) days** after service of same by the Respondent.


Petitioner shall, if he files any further documents in this case, mail copies of such documents to the United States Attorney for the Southern District of West Virginia, 300

Virginia Street East, Room 4000, Charleston, West Virginia 25301, with a certificate of service attached. **Petitioner is also responsible for notifying the Clerk of Court of any change in his address or other contact information.**

The Clerk is instructed to provide a copy of this Order to Petitioner and a copy of the Order and Petition for a Writ of Habeas Corpus to the United States Attorney for the Southern District of West Virginia.

ENTERED: October 8, 2024





Joseph K. Reeder
United States Magistrate Judge